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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **BAIL APPLN. 1013/2018**

RAMESH

..... Petitioner

Through: Mr.(appearance not given)

versus

THE STATE (GOVT OF NCT OF DELHI)

..... Respondent

Through: Mr.Sanjeev Sabharwal, APP for State
with ASI Dilip Kumar, P.S.
Begumpur, Delhi.

**CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA**

ORDER
% **04.05.2018**

Crl.M.A.No.8433/2018 (Exemption)

Allowed, subject to all just exceptions.

Application stands disposed of.

BAIL APPLN. 1013/2018

Vide the present application, the applicant seeks grant of anticipatory bail in relation to FIR No.190/2018, under Section 279 Indian Penal Code, 1860 and Section 25 of Arms Act, registered at Police Station Begumpur, Delhi.

As per the averments made in the FIR itself, at the Carriageway towards Kanjhawala Road, a vehicle, Wagon R registration No.DL 5CP 1967 is stated to have been found over turned and the car driver was stated to have been taken to BSA Hospital on 17.04.2018 and it is submitted in the FIR itself that at the spot, the PCR van along with Ct. Balraj No.2078/PCR met and handed over a pistol made in Japan, one leather purse containing some documents and a mobile phone make Samsung, which were stated to have been found from the dash board of the car. It was also found that the vehicle had overturned due to over speed and had collided with the electricity pole. The FIR also indicates that the applicant is stated to be the registered owner of the vehicle in question and had been found in possession of an unlicensed arm.

On behalf of the applicant, it has been submitted that no weapon was recovered from the applicant and even as per averments made in the FIR the same was found from the dashboard of the car.

As observed hereinabove, the Investigating Officer has stated that the vehicle is registered in the name of the applicant.

On behalf of the State, it has been further submitted that the applicant was also involved in FIR No.1348/2007, P.S. Sultanpuri under Section 27 of the Arms Act and Section 336 of Indian Penal Code, 1860.

On behalf of the applicant, it has been submitted that he has been acquitted in relation thereto.

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Without any observations on the merits or de-merits of the case, taking into account the averments made in the FIR itself which indicate, as per the averments made in the FIR, that the applicant was found in possession of an unlicensed arm, there is no ground for grant of anticipatory bail to the applicant, despite the averments made on behalf of the applicant that there is no recovery to be effected.

The application is accordingly dismissed.

ANU MALHOTRA, J

MAY 04, 2018

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